

Executive Authorities,

Combined Complaint and Application Pursuant to Order 49, Rule 15 of the District Court Rules 1997

Applicant: Derek O'Barróid

Address: Am Weidebaum, Bóthar na Duga, Luimneach, Éire

Passport: PU 2856758

Passport Card: C27040698

Date of Birth: 09/03/1968

Respondents:

1. Deputy Willie O'Dea, TD (Limerick City)
2. Deputy Kieran O'Donnell, TD (Limerick City)
3. Deputy Maurice Quinlivan, TD (Limerick City)
4. Deputy Conor Sheehan, TD (Limerick City)
5. Senator Dee Ryan (Seanad Éireann, Limerick Panel)
6. The Minister for Justice (Jim O'Callaghan, TD)
7. An Garda Síochána, Limerick Division
8. The Garda Commissioner

To:

- An Garda Síochána, Limerick Division
- Director of Public Prosecutions, Limerick
- District Court Clerk, Limerick

Date: 06 February 2026

Subject: Constructive Abandonment of Statutory Duty; Threat to Life by Deputy Willie O'Dea TD; Application for Leave to Prosecute Battery and Attempted Murder

I say:

In a democracy, only the emptying of a ballot box guarantees the position of a minister. No other competences are necessary. It is my duty as a democrat, as a republican, to expose the abject failures of these ballot-box empties. In the solemn execution of electoral duty, the officer empties the ballot box with all the gravity of a chamberlain emptying the privy, yet whereas the latter rids the palace of its ordure, the former often preserves the stench, and multiplies it by statute.

Constructive abandonment of statutory duty by state actors within the European Union and its Member States, amounting to an arbitrary breach of contractual obligations enshrined in the Lisbon Treaty and the Charter of Fundamental Rights.

Namely:

- Article 1 Charter of Fundamental Rights – "Human dignity is inviolable."
- Article 3 TEU
- Article 67 TEU
- Article 41 Charter – "Every person has the right to good administration."
- Article 47 Charter – "Everyone is entitled to an effective remedy."
- Article 4(3) TEU – "Member States shall facilitate the achievement of the Union's tasks."
- Article 258 TFEU – infringement procedure.

In parallel with:

- Article 40 Bunreacht na hÉireann – "The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen."
- Article 1 Grundgesetz – "Die Würde des Menschen ist unantastbar."
- Article 3 Verfassung Hessen – "Leben und Gesundheit, Ehre und Würde des Menschen sind unantastbar."

The European Union, pursuant to Article 3 TEU and the Charter, has declared human dignity, fundamental rights and the rule of law to be irreducible core values.

In truth, the sole uniform standard across Member States is the repeated, arbitrary and expedient abdication of statutory function by public officials, a pattern of gedeppte Willkür, selbstherrliche Leathceann and geballte Dämmlichkeit that contravenes every obligation the Union and its States have inked.

Mercosur overrides forty years of food-safety regulation. Wind-turbine policy mandates unrecyclable, unstorable infrastructure at unconscionable cost. The 1951 Refugee Convention, ratified by every Member State and by the Federal Republic, is honoured only in breach: asylum must be sought directly; it is not. Economic migrants, not refugees, are admitted, bringing cultures incompatible with local norms, sexual violence against women, and the effective nullification of integration duties.

In the absence of any legal directive under Article 42A of Bunreacht na hÉireann sanctioning a policy ambition to perpetuate consistent poverty among 3% of children, and notwithstanding the demonstrable absence of financial obstacles as affirmed by the State's fiscal surplus and reserves, such a target invites scrutiny of ulterior motives. This is accentuated by official statistics revealing that the average number of sexual offences reported in Ireland between 2019 and 2023 exceeded the European Union average by 43%, compelling consideration of whether leadership decisions are tainted by sexual perversion.

The foregoing conduct and omissions constitute a material and continuing breach of the Member States' obligations under Article 4(3) TEU (principle of sincere cooperation), Article 41 of the Charter (right to good administration), and Article 47 of the Charter (right to an effective remedy and to a fair trial), as well as the parallel guarantees under Article 40 of the Constitution of Ireland, Article 1 of the Grundgesetz, and Article 3 of the Verfassung des Landes Hessen.

Such breaches are not excusable by administrative discretion, resource constraints, or political expediency; they amount to constructive abandonment of statutory function, rendering the duty unenforced and the rights illusory.

The contractual undertakings of the Treaty of Lisbon remain binding; the ink has dried.

Remedy is required.

From Plato's "The Republic", Book I, 347c-d (Stephanus numbering):

"One of the punishments for refusing to take part in the affairs of the city is that you end up being ruled by your inferiors."

In my 40 years in Hessen, I experienced the successful integration of Gastarbeiter and their children. I witnessed how diligence was financially rewarded, prior to the reunification on 3 October 1989. Since then, I have observed the stagnation of the Rechtsstaat, the steady infiltration of the Ämter through definite left-wing arbitrary behaviour, the definite trend towards the undermining of the judiciary by the executive, and the utter failure of judicial review thereof by the judiciary in all instances.

The evident undermining of the Supreme Court by Scharrenberger in 1993, the lavish use of bought-in Verfassungsrichter, and the phrase "wird nicht zur Entscheidung angenommen". The obvious lies by Voßkuhle and later Harbarth, all clapping until the signal was given to stop.

After the arbitrary deportation, while Ämter retain murderers, rapists, and other undesirables, I was removed as an "unangenehmer Ausländer" into a state where blue shirts patrol the streets under the guise of protectors of the peace, and gatekeepers at the courthouse who incompetently protect the incapable judiciary.

The Minister for Justice, pursuant to section 23 of the Garda Síochána Act 2005, is vested with statutory power to issue binding policy directions to the Garda Commissioner; where such policy authorises, facilitates, or foreseeably leads to the use of lethal force in an arrest, the Minister is personally liable in tort for negligence and breach of statutory duty, in constitutional law for failure to vindicate Articles 40.3.1° and 40.6.1°, and under section 2 of the Criminal Justice (Theft and Fraud Offences) Act 2001 for abuse of office; the Minister's policy direction under section 23, when combined with section 7(1)(f) of the same Act, impermissibly vests in the executive branch the exclusive judicial function of determining guilt and administering justice, in violation of Article 34.1° of Bunreacht na hÉireann, thereby establishing a statutory dictatorship; section 7(5) of the Garda Síochána Act 2005 immunises the Garda Síochána from liability for attempted murder committed in purported performance of duty; this immunity is repugnant to the constitutional right to life (Article 40.3.1°) and to an effective remedy (Article 40.3.2°), rendering the Minister personally accountable for every such assault.

On 12 June 2025 the complainant instructed Garda member LK161 to investigate an alleged crime; separate complaints were lodged with Fiosrú; both the Garda Síochána and Fiosrú have abjectly failed to conduct any investigation; pursuant to section 23 of the Garda Síochána Act 2005, the Minister for Justice bears ultimate responsibility for such policy failures, as the Commissioner must comply with Ministerial directions; the persistent refusal to investigate constitutes a direct consequence of the Minister's oversight and policy framework, rendering the Minister personally accountable for breach of statutory duty and failure to vindicate the citizen's constitutional rights under Articles 40.3.1° and 40.3.2° of Bunreacht na hÉireann.

Under the Policing, Security and Community Safety Act 2024 (s. 82), the Police Ombudsman must inform the Garda Commissioner without delay upon receipt of a complaint involving serious misconduct; evidence confirms notice was given; notwithstanding such notice the Commissioner has failed to initiate investigation into the attempted murder of 7 June 2025 and has refused to refer the matter to the Director of Public Prosecutions; the Commissioner's omission constitutes a breach of the common law duty to investigate serious crime and is directly attributable to Ministerial policy under section 23 of the Garda Síochána Act 2005, thereby rendering the Minister personally responsible for the continued non-vindication of the complainant's rights.

Personal attempts to obtain access to files from the Chief State Solicitor's Office (Ms Marie Browne) have been obstructed; attempts to bring the case before the High Court in Dublin and to refer it to the High Court in Limerick have been obstructed by Gardaí in the courtrooms; judges have run away when offered the files; the registers of these judges record their claim of illiteracy; on tenth December 2025, the seventy-seventh anniversary of the Universal Declaration of Human Rights, the matter was refused by Judge Harney who claimed ultra vires.

Constructive abandonment of statutory duty by a Deputy of Dáil Éireann occurs where the Deputy, having actual or constructive knowledge of a breach of law or constitutional right by a State organ, fails to take any step to compel performance, thereby wilfully allowing the duty to remain unfulfilled; all Deputies representing Limerick constituencies in Dáil Éireann, and the Senator elected for Limerick in Seanad Éireann, have been personally served, by electronic mail, with full particulars of the alleged non-constitutional behaviour of State organs; each has, to date, maintained absolute silence in their respective Houses; such deliberate silence constitutes constructive ratification of the

unconstitutional acts and, upon proof before a court, will be deemed complicity in breach of statutory and constitutional duty.

In *Le Lievre v Gould* [1893] 1 Q.B. 491, Lord Esher's dictum, that negligence remains inert absent a duty, serves as an apt analogy for the constitutional obligations of elected bodies in Ireland, where fidelity to the Constitution and the citizen as an integral part of the State transmutes inaction into dereliction; as affirmed in *Crotty v An Taoiseach* [1987] IR 713, the Government must safeguard national sovereignty under Article 5, refraining from executive acts that alienate it without popular ratification, lest it breach the people's inalienable right to self-determination, while Article 9.3 of *Bunreacht na hÉireann* imposes upon all citizens, including elected representatives, a fundamental political duty of loyalty to the State, and Article 28.4.1° renders the Government collectively responsible to Dáil Éireann, ensuring accountability for any failure to uphold the citizen's role in the democratic order.

On 30 January 2026, Deputy Willie O'Dea TD was personally informed at his constituency clinic of the alleged misconduct; he undertook to raise the matter in Dáil Éireann; on 6 February 2026 at 12:00 noon, the complainant returned to enquire; Deputy O'Dea became irate, stood up, raised his voice, and threatened to call the Gardaí; in the context of the Gardaí's prior attempt to murder the complainant on 7 June 2025, this threat constitutes reckless endangerment and intimidation.

The applicant hereby requests immediate investigation and referral to the DPP, a protection order barring contact by the respondents or their agents, and all other relief as the Court deems fit.

Signed: Derek O'Barróid